

1 MCGREGOR W. SCOTT
United States Attorney
2 KYMBERLY A. SMITH
Assistant U.S. Attorney
3 501 I Street, Suite 10-100
Sacramento, California 95814
4 Telephone: (916) 554-2771
5
6
7

8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
10

11 UNITED STATES OF AMERICA,)	
)	
12 Plaintiff)	CR. NO. S-04-317 LKK
)	
13 v.)	JOINT STIPULATION AND
)	ORDER VACATING AND RESETTNG
14)	TRIAL DATES AND EXCLUDING TIME
)	
15 JASON S. WILKISON)	DATE: December 13, 2005
)	TIME: 9:30 a.m.
16 Defendant.)	
)	Honorable Lawrence K. Karlton
17)	
18)	

19 COMES NOW the United States by and through its attorneys
20 McGregor W. Scott, United States Attorney for the Eastern District
21 of California, and Kymberly A. Smith, Assistant United States
22 Attorney, for said district, as well as counsel for the defendant,
23 Jeffrey L. Staniels, and respectfully request that the trial in the
24 above-referenced matter be rescheduled, from January 10, 2006, at
25 10:30 a.m., to January 31, 2006, at 10:30 a.m., due to a scheduling
26 conflict, and to give the parties an opportunity to determine
27 whether they can jointly stipulate to the defendant requesting that
28 this Court allow the deposition of a witness pursuant to Federal

1 Rule of Criminal Procedure 15.

2 The parties also request that the trial confirmation hearing
3 currently scheduled for December 13, 2005, be vacated and
4 rescheduled to January 10, 2006, at 9:30 a.m. The parties also
5 request an exclusion of time for trial pursuant to 18 U.S.C. §
6 3161(h)(8)(iv), Local Code T-4 (preparation of counsel), from
7 January 10, 2006, to and through January 31, 2006, to allow the
8 parties the opportunity to resolve the issues related to the
9 proposed deposition of a defense witness, and to prepare for this
10 trial. Defense counsel has consulted with his client, JASON S.
11 WILKISON, and the defendant has no objection to this request.

12
13 DATED: November 8, 2005

McGREGOR W. SCOTT
United States Attorney

14
15 By: /s/ Kymberly A. Smith
16 KYMBERLY A. SMITH
Assistant U.S. Attorney

17 DATED: November 8, 2005

/s/ Jeffrey L. Staniels
Jeffrey L. Staniels
Assistant Federal Public Defender

ORDER

Upon review of the parties' request to reschedule the date of the trial in the above captioned matter and for good cause shown, the current trial date of January 10, 2006, at 10:30 a.m., be and the same hereby is, **VACATED**. A new trial date is scheduled for January 31, 2006, at 10:30 a.m.

It is **FURTHER ORDERED** that the trial confirmation hearing currently scheduled for December 13, 2005, at 9:30 a.m., be and the same hereby is, **VACATED** and continued to January 10, 2006, at 9:30 a.m., all parties are ordered to be present.

It is **FURTHER ORDERED** that any *motion in limine* shall be filed, if at all, at or before the time and date of the trial confirmation hearing. Response to any such motion is due on January 24, 2006, and any reply thereto is due January 27, 2006.

It is **FURTHER ORDERED** that the time will continue to be excluded from January 10, 2006, until January 31, 2006, pursuant to Local Code T4 and Title 18, U.S.C., § 3161(h)(8)(B)(iv).

IT IS SO ORDERED.

November 8, 2005

/s/Lawrence K. Karlton
HONORABLE LAWRENCE K. KARLTON
Senior Judge
United States District Court